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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID E. LIPTON and DANA F.
THIBEDEAU, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

INTEL CORPORATION, a Delaware
Corporation,

Defendant.

No. 05-2669

MOTION FOR ADMINISTRATIVE
RELIEF TO CONSIDER WHETHER
CASES SHOULD BE RELATED

Pursuant to Civil L.R. 3-12(b), Defendant Intel Corporation (“Intel”) hereby
notifies the Court and all counsel of its belief that the following are “related cases” to the above-
captioned case within the meaning of Civil L.R. 3-12(a): (1) *Jose Juan et al v. Intel Corp.*, No.
C-05-3271 (N.D. Cal., filed August 10, 2005) (“*Juan*”); (2) *Dressed To Kill Custom Draperies,
LLC et al. v. Intel Corp.*, No. C-05-3272 (N.D. Cal., filed August 10, 2005) (“*Dressed To Kill*”);
(3) *Tracy Kinder et al. v. Intel Corp.*, No. C-05-3273 (N.D. Cal., filed August 10,
2005) (“*Kinder*”); and (4) *Edward Rush, et al v. Intel Corp.*, No. C-05-3277 (N.D. Cal., filed
August 11, 2005) (“*Rush*”).

This administrative motion is made on the grounds that the plaintiffs in *Juan*,

Case No. 05-2669

RELATED CASES MOTION

1 *Dressed To Kill, Kinder, and Rush* filed substantially similar class action complaints against the
 2 same defendant (Intel) and allege essentially the same antitrust conduct. Twenty-one class action
 3 complaints alleging similar conduct against Intel have already been found by this Court to be
 4 related to the above-captioned case. *See* Related Cases Orders, signed July 27, 2005, and August
 5 12, 2005. Relating these cases pursuant to Civil L.R. 3-12 will advance the convenience of the
 6 parties, witnesses and counsel, will avoid the risk of duplicative or inconsistent rulings, orders,
 7 and judgments and will serve the interests of justice.

8 Accordingly, Intel respectfully submits that the assignment of these actions to a
 9 single judge will conserve judicial resources and promote an efficient determination of the
 10 actions. A proposed order accompanies this motion.

11 DATED: September 22, 2005

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 13 BINGHAM McCUTCHEN LLP

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 15 By: /s/ Joy K. Fuyuno
 16 Joy K. Fuyuno
 17 Attorneys for Defendant
 Intel Corporation

18 DATED: September 26, 2005

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 20 DRUMMOND & ASSOCIATES

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 22 By: /s/ Donald F. Drummond
 23 Donald F. Drummond
 Attorneys for Plaintiffs
 24 Jose Juan; *Dressed To Kill Custom Draperies*
 LLC; Tracy Kinder; and Edward Rush
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[PROPOSED] RELATED CASE ORDER

A Motion for Administrative Relief to Consider Whether Cases Should be Related (Civil L.R. 3-12) has been filed. As the judge assigned to the above-captioned case, I find that the more recently filed case(s) that I have initialed below are related to the case assigned to me, and such case(s) shall be reassigned to me. Any cases listed below that are not related to the case assigned to me are referred to the judge assigned to the next-earliest filed case for a related case determination.

C-05-3271 EMC Jose Juan, et al. v. Intel Corporation

I find that the above case is related to the case assigned to me. _____

C-05-3272 JL Dressed to Kill Custom Draperies, LLC, et al. v. Intel Corporation

I find that the above case is related to the case assigned to me. _____

C-05-3273 EMC Tracy Kinder, et al. v. Intel Corporation

I find that the above case is related to the case assigned to me. _____

C-05-3277 EDL Edward Rush, et al. v. Intel Corporation

I find that the above case is related to the case assigned to me. _____

[PROPOSED] ORDER

Counsel are instructed that all future filings in any reassigned case are to bear the initials of the newly assigned judge immediately after the case number. Any case management conference in any reassigned case will be rescheduled by the Court. The parties shall adjust the dates for the conference, disclosures and report required by FRCivP 16 and 26 accordingly. Unless otherwise ordered, any dates for hearing noticed motions are vacated and must be re-noticed by the moving party before the newly assigned judge; any deadlines set by the ADR

1 Local Rules remain in effect; and any deadlines established in a case management order continue
2 to govern, except dates for appearance in court, which will be rescheduled by the newly assigned
3 judge.

4 DATED: _____, 2005

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6 Honorable Marilyn H. Patel
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